

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1-13 remain pending in the present application, Claims 1 and 7-9 having been amended. Support for the amendments to Claims 1 and 7-9 is found, for example, in Figs. 3 and 4, and pages 13-14 of the specification. Applicant respectfully submits that no new matter is added.

In the outstanding Office Action, Claims 1-11 were rejected under 35 U.S.C. §112, first paragraph; Claims 1-11 were rejected under 35 U.S.C. §112, second paragraph; Claims 1 and 7-9 were rejected under 35 U.S.C. §102(a) as anticipated by Applicant's Admitted Prior Art (APA); Claims 1-3 and 9-10 were rejected under 35 U.S.C. §103(a) an unpatentable over APA in view of Kurata et al. (U.S. Patent No. 5,799,120, hereinafter Kurata); Claim 4 was rejected under 35 U.S.C. §103(a) an unpatentable over APA in view of Kurata, and further in view of Kunikane et al. (U.S. Patent No. 5,479,547, hereinafter Kunikane); Claim 5 was rejected under 35 U.S.C. §103(a) an unpatentable over APA in view of Kurata, and further in view of Rivoallan (U.S. Patent No. 6,130,974); Claim 6 was rejected under 35 U.S.C. §103(a) an unpatentable over APA in view of Kurata, and further in view of Ellison; and Claims 7, 8, and 11 were rejected under 35 U.S.C. §103(a) an unpatentable over Kunikane et al. (U.S. Patent No. 5,479,547, hereinafter Kunikane) in view of Wright, and further in view of Feldman et al. (U.S. Patent No. 6,577,414, hereinafter Feldman).

Applicant thanks the Examiner for the courtesy of an interview extended to Applicant's representative on August 23, 2007. During the interview, differences between the present invention and the applied art, and the rejections noted in the outstanding Office Action were discussed. The Examiner acknowledged that the rejections under 35 U.S.C. §112 and 35 U.S.C. §102(a) appear to be overcome by the amendment discussed during the

interview. No agreement was reached with respect to the rejections under 35 U.S.C. §103(a). The independent claims are amended as discussed during the interview. Arguments presented during the interview are reiterated below.

With respect to the rejection under 35 U.S.C. § 112, first paragraph, Applicant respectfully submits that amended Claim 1 satisfies the written description requirement. Amended Claim 1 recites, *inter alia*, “to attenuate the video signal without a terminator.” Applicant respectfully notes that MPEP §2163 states “While there is no *in haec verba* requirement, newly added claim limitations must be supported in the specification through express, implicit, or inherent disclosure.” Applicant respectfully submits that there is express, implicit, or inherent disclosure for “to attenuate the video signal without a terminator.” For example, compare Applicant’s Fig. 3, which includes no terminator and APA Fig. 2, which includes a terminator. Furthermore, Applicant notes Ex Parte Parks, 30 USPQ2d 1234, 1237 (Bd. Pat. App. & Int. 1993), which discusses how negative limitations may be supported even in the absence of express support in the specification. Thus, Applicant respectfully requests that this ground of rejection be withdrawn.

With respect to the rejection of claims under 35 U.S.C. §112, second paragraph, Applicant respectfully submits that negative limitations, by themselves, do not render a claim indefinite. As discussed during the interview, MPEP §2173.05(i) states “The current view of the courts is that there is nothing inherently ambiguous or uncertain about a negative limitation. So long as the boundaries of the patent protection sought are set forth definitely, albeit negatively, the claim complies with the requirements of 35 U.S.C. 112, second paragraph.” Thus, Applicant respectfully requests that this ground of rejection be withdrawn since it is based on the mere presence of a negative limitation.

With respect to the rejection of Claims 1 and 7-9 as anticipated by APA, Applicant respectfully traverses this ground of rejection. As discussed during the interview, APA Fig. 2

shows a terminator. Thus, Fig. 2 does not anticipate Claims 1 and 7-9 which state “attenuate the video signal without a terminator to prevent further downstream transmission of the video signal with respect to the first wavelength division multiplexer.” Accordingly, Applicant respectfully requests that this ground of rejection be withdrawn.

Amended Claims 1 and 7-9 recite, *inter alia*,

the subscriber unit without the video receiver includes a transmitting laser diode and a receiving photodiode, the transmitting photodiode is disposed outside of the first wavelength division multiplexer/demultiplexer and on a first end surface of the first wavelength division multiplexer/demultiplexer, and the receiving photodiode is disposed outside of the second wavelength division multiplexer/demultiplexer and on second end surface, opposite the first end surface, of the first wavelength division multiplexer/demultiplexer.

As discussed during the interview, Applicant’s Figures 3 and 4 show transmitting laser diode (43b and 62) and receiving photodiode (42b and 65) in relationship to the wavelength division multiplexer/demultiplexer. The outstanding Office Action relies on Kurata to disclose the claimed wavelength division multiplexer/demultiplexer.

As discussed during the interview, Fig. 5 of Kurata does not disclose or suggest the arrangement of the wavelength division multiplexer/demultiplexer, the transmitting laser diode, and the receiving photodiode of Applicant’s Figs. 3 and 4.

While no agreement on patentability was reached during the interview, these differences were pointed out as structural differences from Kurata. Accordingly, the present amendment presents these features for the Examiner’s formal consideration in independent Claims 1 and 7-9.

It is respectfully submitted that Kurata fails to disclose or suggest the claimed “the subscriber unit without the video receiver includes a transmitting laser diode and a receiving photodiode, the transmitting photodiode is disposed outside of the first wavelength division

multiplexer/demultiplexer and on a first end surface of the first wavelength division multiplexer/demultiplexer, and the receiving photodiode is disposed outside of the second wavelength division multiplexer/demultiplexer and on second end surface, opposite the first end surface, of the first wavelength division multiplexer/demultiplexer.”

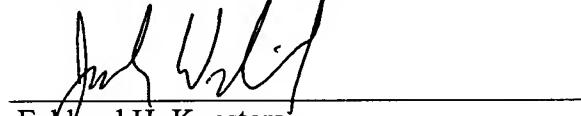
Furthermore, these deficiencies of Kurata are not overcome by the applied secondary references.

Thus, Claim 1 and 7-9 (and the claims dependent therefrom) are believed to patentably define over the art of record.

Consequently, in light of the above discussion and present amendments, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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